

PSJ18 WALGREENS Opp Exh 59

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 - - -

5 IN RE: NATIONAL : MDL NO. 2804
6 PRESCRIPTION OPIATE :
7 LITIGATION :

8 : CASE NO.
9 THIS DOCUMENT : 1:17-MD-2804
10 RELATES TO ALL CASES:
11 : Hon. Dan A.
12 : Polster
13 - - -
14 Friday, December 14, 2018
15 - - -

16 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
17 CONFIDENTIALITY REVIEW
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23 Videotaped deposition of
24 ELIZABETH GARCIA, taken pursuant to
 notice, was held at the law offices of
 Reed Smith LLP, Three Logan Square, 1717
 Arch Street, Suite 3100, Philadelphia,
 Pennsylvania 19103, beginning at 9:49
 a.m., on the above date, before Amanda
 Dee Maslynsky-Miller, a Certified
 Realtime Reporter.

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26
27
28 GOLKOW LITIGATION SERVICES
29 877.370.3377 ph | 917.591.5672 fax
30 deps@golkow.com

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2 BY MR. CLUFF:

3 Q. It's a multipage e-mail.

4 Go ahead and read the
5 entirety of the document so you can feel
6 familiar with it.

7 A. I don't remember this,
8 but --

9 Q. But have you had a chance to
10 look through it and kind of familiarize
11 yourself with it?

12 A. A little bit, yes.

13 Q. Let's start at the top.

14 The last e-mail in this
15 chain, which is the top e-mail on the
16 first page, it's from Sharon Hartman to a
17 number of ABC associates, it looks
18 like -- sorry, I said ABC, I meant
19 AmerisourceBergen.

20 You're included on the
21 addressee list, correct?

22 A. Yes.

23 Q. And do you see the subject
24 line says, Weekly OMP statistics?

1 A. Yes.

2 Q. Do you recall, during your
3 time at AmerisourceBergen, that
4 AmerisourceBergen shared weekly OMP
5 statistics with Walgreens?

6 A. Yes.

7 Q. What are OMP statistics?

8 A. Purchases and which
9 customers, which stores, might have hit
10 the OMP.

11 Q. When you say "might have,"
12 did you tell Walgreens, like, hey, this
13 store might have hit their threshold or
14 that they actually hit?

15 MS. MCCLURE: Objection to
16 form.

17 THE WITNESS: They hit OMP.

18 BY MR. CLUFF:

19 Q. So the weekly OMP
20 statistics, as I understand it from what
21 you just told me, was a report that
22 AmerisourceBergen gave to Walgreens about
23 which stores hit or exceeded their OMP
24 parameters, correct?

A. Which orders hit OMP, yes.

2 Q. Was there any other data
3 included in those statistics that you
4 provided to Walgreens?

5 A. I don't recall.

6 Q. I had you set aside -- no,
7 never mind.

8 So continuing with what we
9 marked as Exhibit-9, if you look at the
10 very last page, there's an e-mail that
11 starts from Lino Guerreiro. It goes to
12 Natasha Polster, Eric Stahmann, Patricia
13 Daugherty, Christopher Dymon, Edward
14 Bratton, Nick Leners.

15 Those are all in the "to"
16 line; is that correct?

17 A. Yes.

18 Q. Are those all Walgreens
19 employees?

20 A. Yes.

21 Q. So that seems to be accurate
22 with your recollection about providing
23 this data to Walgreens, correct?

24 A. Correct.

1 Q. So when you say they were
2 "your counterparts," could you describe
3 what that means?

4 A. They were investigators
5 also.

6 Q. And what were they
7 investigating?

8 A. They monitored their own
9 accounts.

10 Q. Was there a special or
11 unique relationship between the diversion
12 control team and the WAG team?

13 MS. MCCLURE: Objection to
14 form.

15 THE WITNESS: We were
16 counterparts for our respective
17 businesses.

18 BY MR. CLUFF:

19 Q. Was there any communication
20 between the diversion control team and
21 the WAG integrity team if a Walgreens'
22 order exceeded thresholds?

23 MS. MCCLURE: Objection to
24 form.

1 THE WITNESS: If we saw
2 something unusual, we would call
3 it to their attention.

4 BY MR. CLUFF:

5 Q. What happened after you
6 called it to their attention?

7 MS. MCCLURE: Objection to
8 form.

9 THE WITNESS: I don't know
10 what they did.

11 BY MR. CLUFF:

12 Q. Would AmerisourceBergen ever
13 take action on an order that exceeded
14 threshold without talking to the WAG
15 integrity team?

16 MS. MCCLURE: Objection to
17 form.

18 THE WITNESS: Generally, no.

19 BY MR. CLUFF:

20 Q. I've been saying WAG
21 integrity team.

22 I'm using the abbreviation,
23 W-A-G, do you know that to mean
24 Walgreens?

1 A. Yes.

2 Q. I'll clear that up in the
3 future. I just wanted to be on the same
4 page.

5 So you said that, generally,
6 no, Amerisource didn't take action on
7 orders that exceeded threshold without
8 talking to Walgreens, right?

9 A. Correct.

10 Q. So what happened after, in
11 your experience, AmerisourceBergen
12 communicated to Walgreens about an order
13 that exceeded threshold?

14 MS. MCCLURE: Objection to
15 form.

16 THE WITNESS: I don't know
17 what action they took on their
18 end.

19 BY MR. CLUFF:

20 Q. Did you receive any
21 communications back from the Walgreens
22 integrity team at that point?

23 MS. MCCLURE: Objection to
24 form.

1 THE WITNESS: Either at that
2 point or in the future, once they
3 resolved the issue.

4 BY MR. CLUFF:

5 Q. What do you mean by
6 "resolved the issue"?

7 A. Whether that is a legitimate
8 need for their patients or not, that
9 order.

10 Q. And what would happen if
11 Walgreens determined that an order was
12 not for the legitimate needs of a
13 patient --

14 MS. MCCLURE: Objection to
15 form.

16 BY MR. CLUFF:

17 Q. -- at AmerisourceBergen;
18 would the order be cancelled?

19 A. They would indicate, please
20 cancel.

21 Q. At that point, would you
22 cancel the order?

23 MS. MCCLURE: Objection to
24 form.

1 THE WITNESS: Yes.

2 BY MR. CLUFF:

3 Q. And when I say "you," I mean
4 AmerisourceBergen.

5 After you cancelled the
6 order, would you report that to the DEA?

7 MS. MCCLURE: Objection to
8 form.

9 THE WITNESS: Yes. Unless
10 it was human error or something
11 like that.

12 BY MR. CLUFF:

13 Q. I want to look now again
14 back to Exhibit-9.

15 The second page, your e-mail
16 in the top part of the page is the one
17 dated November 21, 2014.

18 You say, I agree that action
19 needs to be taken on Walgreens -- which
20 is abbreviated, WAG's -- part to make
21 sure that -- ensure they do not order
22 large amounts over threshold.

23 Do you see that?

24 A. I see that.